

Board of Selectmen
February 10, 2014

PRESENT: Richard Nichols, Chairman
Michael Pierce, Vice-Chairman
Philip Bean, Selectman
Mary-Louise Woolsey, Selectman
Michael Plouffe, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

SALUTE TO THE FLAG

I. Public Comment Period (2:35)

David Lang, 66 Park Ave, made comments as follows: here tonight after watching the meeting last week online; discussed motion he made at the Deliberative Session to amend the operating budget that was seconded and passed; concerned to find out that after participating in this democracy that a member of this Board would call him out and call into question his motives; this is very troubling to him; trying to get more participation and then do something like this; believes it is intimidating; troublesome that NHMA told the Chairman that they have completely separated themselves from the risk pools yet the next day representatives of NHMA were testifying before the House Congress Committee in favor of a position that would allow or require mandatory membership of NHMA in the risk pools; reminded the Board that they can pay dues and referenced RSA; bill in regards to Code Enforcement Board and NHMA involvement; instead of having NHMA for representation, would suggest they instead look to State Representatives, Senator and in-house Legal Department.

Arthur Moody, 3 Thomsen Road, commented: last week gave Ashworth Ave Lot to an outside organization for September 13th and in his opinion giving away Town revenue; encumber the right a way on Highland Ave for the Ashworth Hotel remodel and how this speaks to keeping the setbacks in this zone; 149 M to give Selectmen authority on sewer and would like to still see a legal opinion on this; review of investment policy pulled from last week's agenda and the Treasurers involvement in this process; stop sign ordinances that DPW found and ones that are not in the general code book; problem he has with this general code book and talked about other signs around Town such as yield intersections.

II. Announcements and Community Calendar (14:08)

Selectman Bean announced that the Olympics have begun, it is contestant time, the New England Newspaper and Press Association; a professional trade organization for 450 daily and weekly newspapers in New England and amongst us tonight we have a silver and

bronze winner Nick Reed Hampton Union Reporter; commented on the great press coverage that Hampton has and congratulated Nick.

Selectman Woolsey commented on another storm coming this week so be sure to sign up for notifications. She also encouraged everyone to educate themselves before they go out to vote with the election being one month away.

III. Appointments (16:08)

1. Christopher Silver, Fire Chief (16:15)

a. Traffic Lights at High Street and Lafayette Road

Chief Silver commented: this issue was brought to him in the summer of 2012; concerns about the phasing sequence of the signal at Lafayette/High/Exeter Road for both the North and South bound left hand turning lanes; that the time turning lane was permitted prior to North and South bound traffic receiving the green light; this was brought to him as being problematic; contacted company who does all their traffic control work and it was suggested to move the sequence to be after the permissive green; went into detailed discussion on how the signal is programed now; there does appear to be some confusion and went through some of the reasons why this might be; in 2013 was asked to revisit this; discussion with Police Chief and DPW Director; why they recommended at the time that we seek the advice of a safety engineer; how the study was done and received recommendations back in regards to current problem along with some suggestions that will need to be addressed in the future; three choices leave signal the way it is now, put it back to the way it was prior to the Fall 2012 or accept the recommendation of Sebago Technics and change the configuration so the left turning lanes are protective turns only; this would mean you can only turn left on a green arrow; went through the benefits of having a protective left turn only; at this point he thinks this makes the most sense; went through the physical modifications that would need to be made to the signalization; does not have a cost since they have not solicited bids but does have estimates of about \$5,000; he believes the actual cost will come in lower.

Selectman Woolsey commented: agrees with Chief; not sure how we got stuck with this configuration to begin with; will support whatever needs to be done; wants this fixed.

Selectman Bean MOTIONED to accept the Chiefs course of action recommendation SECONDED by Selectman Woolsey.

Selectman Pierce questioned if we go to the totally isolated left turn would it go after the other traffic goes across. Chief Silver stated it does not have to be at the end it can be at the beginning of the cycle. Chief Silver also discussed the circular sensors underground and how they work. Selectman Pierce would like to see the left turn sequence not be at the end of cycle.

Chairman Nichols asked if the Chiefs recommendation is also to make the suggested timing change; wonders if there is a line item in the budget. Mr. Welch stated there is a line in the DPW budget for these types of cost.

VOTE: 5-0-0

2. Keith Noyes, Director DPW (25:19)

a. Departmental Update (25:28)

Mr. Noyes presented to the Board the following information: the last quarter of 2013, a very busy quarter; provided the Board with a list of items that DPW has worked on throughout the quarter; his main focus was the Old Mill Pond Dam engineering; worked on budget and prepared for Town Meeting; talked about work on the I&I study; work done by engineers on Exeter Road including televising of the sewer lines.

Chairman Nichols asked about maximum hydraulic flow; he had the impression it was about 3.9 million gallons a day but saw something recently that said it was 4.4 million. Mr. Jacobs is not sure where that could have come from all of their numbers are on the 4 side or below.

Mr. Jacobs presented to the Board the following information: the work on the Lafayette and High Street mitigation grant; have been keeping the State informed with quarterly reports; majority of the work on the westside sewer project is wrapped up; went through in detail the work done on the sewer on the westside; discussed the training that he has completed; curbing installation that was done by the Galley Hatch; new contractor for landfill monitoring; work on Barbour Road at Sherburne; put in a settling basin at the Victory Garden and some other work done in this area.

Chairman Nichols asked when it is ultimately done what is the start and the end point and Mr. Jacobs explained the start point will be that the two basins at Sherburne will drain all the way down to Victory Garden.

Selectman Pierce asked if it would be draining into the pond under Barbour Road and it will not directly drain into the pond.

Selectman Woolsey commented: hated seeing Public Works guys have to do the curbing work at the Galley Hatch in November; like to see some of their work lighten up a little; wonders who is in charge of the Victory Garden; Mr. Jacobs believes that the Conservation Commission does; wonders where we are on the MS-4 and Mr. Jacobs gave an update.

Chairman Nichols asked about the work at Plaice Cove and having DPW get in there prior to Memorial Day and asked about some of the boulders that are sitting there doing nothing.

Mr. Dube presented to the Board the following: the hydraulic flow in detail for the Board and how after the work was completed it was determined that they can handle 4.7 million gallons; Church Street Pump Station project going good about 80% complete; asking for a time extension of 35 days to reach substantial completion; date for substantial completion is February 28th; will not be totally complete; will need to fill in the old pump station; once work is completed hoping to set up a tour for anyone interested in seeing it; dewatering is going good and bringing less sludge up to Rochester as a result; working with State and Smuttynose on their discharge permit.

Selectman Woolsey asked about manhole cover replacements being completed and Mr. Noyes expressed that it is not complete yet and explained the process in detail.

Selectman Pierce asked about putting in a bathroom at the Church Street Pump Station location. He also asked about the normal flow and it is in the 2's but has been as high as 6, during a really high tide and would result in a daily average in the 3's.

Mr. Gingras presented to the Board the following information: implementing process of all vehicles in the RTA system; all 110 units they take care of, have been inputted; this will help to separate cost and forward them to all the appropriate departments; reports that can be

generated; discussed building maintenance that has been looked at; training he has participated in.

Selectman Pierce asked about the pumping station off of Lafayette Road and the torn up fence. He wonders if Mr. Gingras goes around and inspects all these locations. He also asked if there are any alarms at DPW to notify them of problems at a pump station and Mr. Dube explained that there are alarms in place.

Chairman Nichols asked Mr. Gingras to elaborate on problems with the Scale House. Mr. Gingras spoke about the problems with the software that is in place and not able to do everything it was meant to do; number of entries that can be kept and how there are more people coming than system allows. Mr. Noyes commented that the problems are bigger than this; the software is very outdated; need to be replaced and plans to put money in next year's budget. Chairman Nichols commented that he was under the impression that a maintenance program was purchased at a pretty large cost not too many years back. Mr. Noyes stated that was before his time. Chairman Nichols was just pointing out that it was not that long ago even if we are looking at 2 ½ years.

Selectman Woolsey commented: asked if the two sludge trucks are being rotated; how the press is working beautifully; still has pole barns on her radar and wondering if they are working on this for the 2015 budget cycle; possibility of roll-offs for furniture.

- b. Church Street Pump Station (52:13)
 - i. Contract Request for time extension

Mr. Noyes commented that sent the Board a memo requesting a time extension for the Church Street Pump Station; did make an error with timeframe put down 56 days and it is actually 35 days; taking into consideration the weather along with dewatering issues; this project has gone so well; unusual for a project of this cost and only \$6,000 in change orders; extension will be at no extra cost to Town; still be operational within a reasonable amount of time; asking for authorization for Fred to sign the change order giving the 35 day extension.

Selectman Woolsey MOTIONED that they authorize the Manager to sign the time extension to the contract for the Church Street Pump Station SECONDED by Chairman Nichols.

Chairman Nichols pointed out that the extension would still have substantial completion by February 28th.

Selectman Pierce asked for details on what the extension was allowing and Mr. Noyes went through the work that still needs to be completed. The entire project should be completed early May. Mr. Noyes went through in detail the difference between substantial completion compared to final completion.

Chairman Nichols pointed out that the total project cost is expected to come in at \$3.8M, which is \$1M under budget.

VOTE: 5-0-0

Chairman Nichols commented on letter sent out to condominium associations in regards to cessation of plowing on March 1st. He wonders if the date should be deferred to cover the rest of this winter.

Chairman Nichols MOTIONED to defer the date of cessation of plowing Rueben's Driftway and Ice House Lane till the end of the snow season or April 15th SECONDED by Selectman Pierce.

VOTE: 4(Nichols, Bean, Pierce, Plouffe)-1(Woolsey)-0

IV. Approval of Minutes (58:13)

1. January 27, 2014

Page 4, 6th paragraph, 4th line insert "for cold patch" after the words "purchase order"
Page 9, 3rd paragraph, 3rd line change the word "a discussion" to "an agreement"

Chairman Nichols MOTIONED to approve the January 27, 2014 minutes as amended SECONDED by Selectman Pierce.

VOTE: 5-0-0

V. Town Manager's Report (1:00:32)

1. The January recycling figures indicate that we achieved a 35% recycling rate. The intake of regular non-recycled materials decreased by 7% while in amount of recycling increase by 5%.
2. The Fire Department recently requested the Board to declare as surplus the old Fire Chief's car, a 2000 Ford Taurus. The vehicle has extensive rot under the vehicle and has failed State inspection, and requests that the Board allow the car to be sold as scrap.

Selectman Woolsey MOTIONED to approve the request that the 2000 Ford Taurus to be sold as scrap SECONDED by Selectman Pierce.

VOTE: 5-0-0

Additional items added by the Town Manager.

Finance Director Michael Schwotzer has submitted his resignation for May 16, 2014 and the job advertisement has already been put out.

Selectman Woolsey pointed out that the Board will not be meeting next week since it is Presidents Day.

Selectman Bean commented: wonders how long Mike Schwotzer has been with the Town: Mr. Welch pointed out that prior to becoming Finance Director Mike served as a Volunteer Firefighter, and was an Assistant Building Inspector; he has been Finance Director since 2006; commented on what a wonderful job the Finance Department does; shared comments from the Auditors on how well this Town runs numbers; wants to make sure that Mr. Schwotzer receives proper recognition.

Chairman Nichols commented that he sent an email to Mark and Fred today; wanted to bring up issue with seawalls, their procedures and leases; concern with time that has lapsed; talked about when the contractor was in for work on Nor'East Lane; don't want us to be the reason why work is delayed; would like an update on this from Mr. Welch and Mr. Gearreald. Atty. Gearreald commented that he understands that there will be information coming to the Board at their next meeting; the information is a combination of efforts by Mr. Welch, Mr. Tinker

and himself; has produced a draft of a lease; suggestions that were made; designs that have been permitted and how in the past work has not always been done as presented to the Board.

Chairman Nichols questioned if the process would be that they would come to the Board with a copy of the lease prior to going to the property owners. It was decided that the draft lease will come to the Board prior to being given to the property owners. Mr. Welch commented that Kristina has been in contact with the engineer/contractor for Nor'East Lane and Mr. Welch will communicate with him to see where they are at with this project. Chairman Nichols also mentioned that if there is not enough time to start and complete the project the work should be deferred to September.

VI. Old Business (1:10:27)

1. Close out of CDBG Sleep Net (1:10:32)

a. Authorization of Town Manager to sign

Atty. Gearreald commented that this is the project that never ends; spoke about the documents that they dealt with back in November; went through the two documents in detail; he has made some modifications to the documents; ensured that the documents state what the Town stipulated; also added a signature line for the Coastal Economic Development Commission; both documents say close-out so maybe this will be the end.

Selectman Pierce questions if we are sure that all of these signatures ensure that the Town is not held liable.

Chairman Nichols MOTIONED to move to authorize Town Manager Fred Welch to sign on the Town's behalf the close-out certification and documentation on the close-out agreement as reviewed and revised by Town Counsel SECONDED by Selectman Woolsey.

VOTE: 4(Plouffe, Woolsey, Nichols, Pierce)-0-1(Bea)

Atty. Gearreald commented that if they want a legal opinion as to what the end of the season is and according to the RSA's it is July 1st.

Chairman Nichols asked Selectman Woolsey about the conversation she was supposed to have with the Town Clerk in regards to having residents sign up for email notifications. Selectman Woolsey stated that she spoke with Jane, and it was Jane's opinion that if they were to provide residents with a piece of paper that you would find that they will be left everywhere as trash; there was a suggestion on the location of the current box and making a sign to be attached to box; Jane also expressed concerns with this interrupting the flow of business for her department.

VII. New Business (1:15:36)

1. IT Policy related to the monitoring and intercepting of information (1:15:38)

Chairman Nichols placed this item on the agenda as he has a concern with two sentences in current policy; has talked to the Town Attorney, Fred, and Paul about his concern.

Selectman Bea asked if he could interrupt and comment: he did not receive this request until Friday; we have a procedure in place; has it been run by IT; how this was brought up on Friday and roll call is Wednesday; this is a significant policy; it's about tech, cell phones,

privacy; does not have a chop from Mr. Welch, Town Attorney or Paul and does not see him here; respectfully requested that this be deferred to next week.

Chairman Nichols does not wish to defer this to next week.

Selectman Bean MOTIONED that this item be deferred to the Board's next meeting SECONDED by Selectman Woolsey.

Chairman Nichols stated that this information was available on Friday and it was on the agenda; has no need to make a decision on this tonight; simply wants to start the discussion; only has an issue with a few sentences and read the sentences out loud; his concern is that the policy is two open-ended; policy goes back to July of 2000; this is not something we are doing it is just in the policy; he would advocate that they add language "for cause as determined by Town Manager and Town Attorney."

Selectman Woolsey commented: she would propose that since the computer system in this case is owned by the public and use should be restricted to the professional use required in the conduct of peoples employment; if circumstances arise she does not have a problem with this language; intended for the use of the workforce; would not think of going on her computer at work and doing other stuff; thinks what is appropriate in the private sector is equally appropriate in the public sector.

Chairman Nichols reiterated that he does not believe that this should be able to be done without cause. He does understand that this is not being done according to Fred and Paul. There was an additional discussion on being able to do this without cause.

Selectman Bean reminded everyone that there is a motion on the floor and shared some work experience he has working with the government.

VOTE: 5-0-0

Chairman Nichols commented that Renny Cushing has requested that he testify at some pollution control hearings with the Boards approval. There was a consensus amongst the Board that Chairman Nichols should testify.

Chairman Nicholas would like to comment on comments made by David Lang during Public Comment: he read a quote from the Hampton Union that David Lang believes the voters actions at the Deliberative nullifies the Town of Hamptons ability to pay its dues to NHMA; he does not agree with this; it is his understanding that the intent and the authority of the Deliberative Session is for explanation and discussion and debate of each warrant article; the Deliberative Session can amend the wording and dollar amounts of proposed ballot measures but no actual voting on the merits of the proposals takes place; the March session is when issues such as the Town budget and other warrant articles are voted on; as they know the NHMA dues are in the Default Budget; thinks Dave's position is worthy of discussion and the time to discuss that measure is following the vote in March.

Selectman Pierce did not understand the comment made by David Lang about a Selectmen threatening bodily harm.

VIII. Consent Agenda (1:27:20)

1. Hampton Investment Policy Fiscal Year 2014

2. 2014 Veteran's Credits: Colburn Family Revoc. Tr. Map 124 Lot 6-25; Diltz, Ann L. Revoc. Tr. Map 172 Lot 6-69; Elliott, Robert B. & Francis L. Revoc. Tr. Map 172 Lot 6-21; Flanagan, Dorothy A. Revoc. Tr. Map 172 Lot 6-123; J & R Realty Tr. Map 113 Lot 17-A; Judson, Phyllis S. Invest. Trust Map 151 Lot 8-4A; Karkutt Family Revoc. Tr. Map 180 Lot 5-12; Kopala, Kathleen M. Revoc. Tr. Map 88 Lot 45; Monette, Edmund Revoc. Tr. Map 223 Lot 158. 2014 Veteran's Credit and Elderly Exemption: Coombs, Lydia Revoc., Tr. Map 127 Lot 18

Selectman Woolsey MOTIONED to approve Item #2 on the Consent Agenda SECONDED by Chairman Nichols.

VOTE: 5-0-0

Selectman Pierce asked about the Investment Policy and it appears to be a carbon copy of 2013 even though it is for 2014. Chairman Nichols stated that one of the issues he saw was that the policy did not address service charges; discussed what has happened over the past 6 or 7 years; the investment policy should somehow recognize the fact that minimizing service charges is part of that policy; there are three words that Mike Schwotzer added after their discussion; he read the new sentence and pointed out the three words "minimizing service charges."

Chairman Nichols MOTIONED to approve the Investment Policy for 2014 SECONDED by Selectman Pierce.

VOTE: 5-0-0

IX. Closing Comments (1:31:04)

Selectman Woolsey reminded the public that there would be no meeting next week.

Selectman Pierce asked when they should expect to start to see resumes for the Finance Director position. Mr. Welch thinks they will start to see resumes to come in within the next week.

X. Adjournment of Public Meeting (1:32:07)

Chairman Nichols MOTIONED to adjourn at 8:32 PM SECONDED by Selectmen Plouffe.

VOTE: 5-0-0

Chairman